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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,197	12/08/2000	Jerry W. Lennon	04775.00001	2746

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EXAMINER

DIEP, NHON THANH

ART UNIT PAPER NUMBER

2613

DATE MAILED: 02/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/733,197

Applicant(s)

LENNON, JERRY W.

Examiner

Nhon T Diep

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 7, 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9, 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Maloomian (US 4,467,349) and as cited by the applicant.

Moloomian, in figure 1, discloses a system and method for composite display comprising the same apparatus for manipulating a customer image corresponding to a customer, comprising a controller (el. 20, CPU); an image capture system, coupled to the controller, that captures the customer image of the customer and provides the customer image to the controller (el. 10, camera); a database, coupled to the controller, for storing the customer image and at least one apparel style image corresponding to a potential purchase item (el. 18, memory); and an image display system, coupled to the controller, for displaying a composite image comprising the customer image and any one of the at least one apparel style image thereby allowing the customer to assess the potential item without having to try it on (el. 24, display) as specified in claims 1 and 14; wherein the image capture system comprises a controlled environment substantially similar to another controlled environment used to capture the at least one apparel style image (col. 2, ln. 47-57, col. 3. ln. 21-22) as specified in claim 2; wherein the image capture system comprises a digital camera, and wherein the at least one apparel style

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image and the customer image comprises full motion video (el. 10, video camera and col. 4, ln. 21-24) as specified in claims 3 and 16; wherein the controller generates the composite image and provides the composite image to the image display (col. 4, ln. 28-33 and col. 2, ln. 47-57) as specified in claims 4 and 15; wherein the controller provides the customer image and one of the at least one apparel style image to the image display system, and wherein the image display system generates the composite image from the customer image and one of the at least one apparel style (col. 2, ln. 47-54) as specified in claim 5; analyzing the customer image to select a body style corresponding to the customer image; and selecting the one of the at least one apparel style image based on the body style (col. 4, ln. 55 –0 col. 5, ln. 5) as specified in claim 17.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloomian, in view of Lowe et al (US 6,298,218).

As applied to claim 1 above, it is noted that Maloomian does not particularly disclose a trigger device, coupled to the controller, that detects the presence of the customer and, in response, causes the composite image to be displayed by the image display system as specified in claims 6 and 18. Lowe et al teaches the using of an ultrasound or other user detection interface to detect the presence of the user in

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proximity to the equipment to trigger the display to light up (col. 3, ln. 9-13). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Maloomian by using a proximity device as taught by Lowe et al to trigger the display of the composite image. Doing so would help to provide a correct picture to different users. Further more, it would also obvious that the triggering device would have a data input to provide a customer a means to input personal data, to differentiate between many different users and wherein correspondence of the customer identification information to the customer image causes the composite image to be displayed, and that the system of Maloomian serves as specified in claims 7, 19 and 20.

With regard to claim 8: The examiner takes Official Notice that triggering device comprises a camera, coupled to the controller, that captures an authentication image of the customer when the customer is in proximity to the camera, and wherein correspondence of the authentication image to the customer image causes the composite image to be displayed is well known in the art and therefore, it would have been obvious to apply this well known feature as other user presence detection interface as taught by Lowe et al. Doing so would help to better identify customer.

With regard to claims 10-13: Again, as well known fact that the image capture system and the display system are located at various locations as its users like and also as a matter of designers' choice, it would have been obvious that the image capture device could be deployed anywhere the users see fit that would includes a jetway, and that the triggering device and image display system could be deployed within a seatback on an

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airplane or the image display system is deployed within a hotel room or within a publicly available kiosk or within a common area of a shopping mall or the image display system is deployed within at least one retailer residing in the shopping unit.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. MacLean, IV discloses a marketing system comprising a triggering device to trigger a display.

b. Pitzer et al \*US 6,236,319) discloses a personal monitoring system.

c. Spackova et al (US 4,539,585) discloses a method for providing the dynamic viewing of an article desired to be worn by a user.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 87209314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-2600.

*Nhon T Diep* 1/24/03

**NHON DIEP  
PRIMARY EXAMINER**